REMARKS

Claims 1-18, 41-46, 50-55, 65, and 67-76 are currently pending in the present application, with Claims 1, 4, 6, 10, 13, 15, 41-46, and 50-55 being added by this instant Amendment, and new Claims 71-76 being added by this instant Amendment. Reconsideration and reexamination of the claims are respectfully requested.

The Examiner rejected Claims 1-18, 41-46, 50-55, 65, 67, 68, and 70 under 35 U.S.C. 103(a) as being unpatentable over Blass et al. (U.S. Patent no. 6,296,489). This rejection is respectfully traversed with respect to the amended claims.

As previously communicated, the present invention as claimed is directed to a system (as well as various components thereof) for transmitting and/or receiving advertisement information, wherein the advertisement information is related to musical performance equipment. For instance, with respect to amended Claim 1, a server apparatus receives, from a client apparatus, client information that includes information indicative of a type of performance equipment being used for musical training. The server, on the basis of the received client information, selects advertisement information that is associated with the indicated performance equipment, and transmits the advertisement information back to the client apparatus. Applicants have further amended the claims to recite various additional limitations.

Amendments to Claims 1 10 are additionally supported by the present application at page 23, second paragraph and at pages 30-31. Amendments to Claims 4, 6, 13, and 15 are also supported at pages 23, 30-31, and additionally at pages 37-38. Claims 41-46 and 50-55 are process claims and computer medium claims that correspond to apparatus Claims 1, 4, 6, 10, 13, and 15;

amendments to Claims 41-46 and 50-55 are similarly supported as discussed with respect to the apparatus claims.

Applicants note that the claims have been amended to include additional limitations not disclosed by Blass. For instance, Blass does not contain any disclosure or suggestion of the performance practicing section of a practice music piece to be divided into plural performance steps, and that each of the music performance training program implements a respective one of the plural training steps. Blass also does not teach or disclose that the server 1) receives, from the client, request information that indicates a requesting acquisition of one of the music performance training programs, which is selected in accordance with a user's current performance training step using the client, and 2) selecting the appropriate music performance program that is stored in the memory.

Furthermore, with respect to amended Claim 4, Blass does not teach or suggest a client apparatus having a storage section for storing "training status information" that is indicative of a current and/or completed performance training steps. Nor does Blass teach or suggest updating and transmitting the training status information in response to the execution (i.e., progression) of the musical performance training program.

Applicants respectfully submit that these additional features added to the amended claims, along with other features that have been recited, are not disclosed or suggested by Blass, which as previously communicated is directed to splicing advertisement into audio-visual content. Applicants accordingly respectfully submit that the pending claims as amended are thus patentable over Blass.

New Claims 71-76 have been added to claim additional details of the present invention, and are supported by the present application at pages 23-24.

Applicants note that the Examiner, at page 10 of the Detailed Action, referred to the previous action in which the Examiner had stated that certain claims failed to positively claim either the client or the server. However, the Examiner did not reject any of the claims on this basis. Applicants respectfully submit that each of the claims is in full compliance with 35 U.S.C. § 112. With respect to the specific issue raised by the Examiner, Applicants note that the claims comply with all formal requirements in that Applicants do not agree that each referenced object within a claim must be positively recited in each claim. For instance, a claim directed to a mobile communication device, such as a cell phone, which includes capability of communication with a wireless communication tower, does not need to positively recite a cell tower to meet formal requirements. Likewise, in this instance, Applicant respectfully submit that claims directed to a client device or a server are proper provided all requirements of 35 U.S.C. § 112 are met, as it is the case here.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no.*.

However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: May 15, 2008

Respectfully submitted,

By /David T. Yang/
David T. Yang
Registration No.: 44,415
MORRISON & FOERSTER LLP
555 West Fifth Street
Los Angeles, California 90013-1024
(213) 892-5587